

### **REMARKS**

This Application has been carefully reviewed in light of the Final Office Action dated June 11, 2009 ("*Office Action*") and the Advisory Action dated October 13, 2009 ("*Advisory Action*"). At the time of the *Office Action*, Claims 1-6, 8-18, and 21-23 were pending and rejected in the Application. Applicants have amended Claim 13. Applicants previously canceled Claims 7, 19, and 20. Applicants submit that no new matter is added by these amendments. As described below, Applicants believe all claims to be allowable over the cited references. Therefore, Applicants respectfully request reconsideration and full allowance of all pending claims.

#### **Section 101 Rejection**

In the final *Office Action*, the Examiner identified Claims 13-16 as being rejected under 35 U.S.C. § 101. Applicants subsequently amended Claim 13 in the Response submitted on August 11, 2009. In the following *Advisory Action*, the Examiner indicated that the rejection of Claims 13-16 under 35 U.S.C. § 101 is withdrawn.

#### **Section 103 Rejections**

The Examiner rejects Claims 1-6, 8-18, and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over "BEA Web Logic Portal Deployment Guide," Version 4.4, May 2002 ("*BEA*") in view of U.S. Patent No. 7,080,361 issued to Aigen ("*Aigen*").

Independent Claim 1 of the present Application, as currently presented, recites:

A method of automatically deploying program units to a cluster of networked servers, comprising:

assembling one or more program units for deploying to a cluster of one or more application servers;

retrieving type information related to the cluster of networked servers from a deployment server, the type information identifying a type of application server installed on one or more nodes to which to deploy the program units;

using a universal deployment tool to dynamically load an application server plugin to perform cluster deployment on the type of application server;

automatically, and without user input, using the dynamically loaded application server plugin to generate a script to use a specific utility of the application server for generation of deployment descriptors from the type information retrieved from the deployment server, the deployment descriptors suitable for the type of application server; and  
deploying the one or more program units to the cluster of the one or more application servers using at least the deployment descriptor.

Applicants respectfully submit that the cited references do not disclose the combination of claim elements recited in Claim 1.

For example, the proposed *BEA-Aigen* combination does not disclose, teach, or suggest “using a universal deployment tool to dynamically load an application server plugin to perform cluster deployment on the type of application server” and “automatically, and without user input, using the dynamically loaded application server plugin to generate a script to use a specific utility of the application server for generation of deployment descriptors from the type information retrieved from the deployment server, the deployment descriptors suitable for the type of application server,” as recited in Claim 1. In the *Office Action*, the Examiner acknowledges that *BEA* does not disclose generating the script for generation of deployment descriptors and instead relies upon *Aigen*. (*Office Action*, page 5). Applicants submit, however, that *Aigen* does not disclose the above-identified claim elements.

Rather, *Aigen* merely discloses that a Bean Grinder is invoked to convert database files to Enterprise JAVA Beans. (*Aigen*, Column 3, lines 42-46; Column 2, lines 63-65). Specifically, *Aigen* discloses that Bean Grinder Frame 41 “gathers data from the user as to how the Bean Grinder is to function.” (*Aigen*, Column 3, lines 65-67). Thereafter, the “Bean Grinder communicates with a specified database and reads the meta-data thereof as shown at 61 and an EJB Bean File 62 creates JAVA files for each table” to be converted into the Java Beans. (*Aigen*, Column 4, lines 1-3). With regard to the generation of deployment descriptors, *Aigen* merely discloses that “a descriptor file 63 (DescriptorFile) generates an XML deployment descriptor. (*Aigen*, Column 4, lines 6-14). Thus, *Aigen* is limited to a Bean Grinder for converting a database file into a EJB Bean file using generated XML deployment descriptors. There is no disclosure in *Aigen* of “using a universal deployment tool to dynamically load an application server plugin to perform

cluster deployment on the type of application server” or of using such a dynamically loaded application server plug-in to “automatically, and without user input, . . . generate a script to use a specific utility of the application server for generation of deployment descriptors from the type information retrieved from the deployment server, the deployment descriptors suitable for the type of application server,” as recited in Claim 1.

For at least these reasons, Applicants respectfully request reconsideration and allowance of Claim 1, together with Claims 2-10, and 17-19 that depend on Claim 1. For analogous reasons, Applicants also request reconsideration and allowance of independent Claims 11 and 13, together with Claims 12 and 20 that depends on Claim 11 and Claims 14-16 that depend on Claim 13.

**No Waiver**

Additionally, Applicants have merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner’s additional statements. The example distinctions discussed by Applicants are sufficient to overcome the Examiner’s rejections.

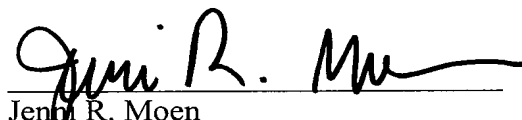
**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jenni R. Moen, Attorney for Applicants, at the Examiner's convenience at (214) 415-4820.

The Commissioner is hereby authorized to charge \$810 for Continued Examination and \$130 for an Extension of Time to Deposit Account No. 02-0384 of Baker Botts L.L.P. No other fees are believed due; however, the Commissioner is hereby authorized to charge any additional fees or credits to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,  
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